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Commissioner of Patents and Trademarks
P.O. Box 1450
Attn Mr. Ross Burnell (Legal Instruments Examiner)
Alexandria, VA 22313-1450

Dear Mr. Burnell;

I am writing to you concerning my patent application 10/707,174. I am respectfully requesting that my file be transferred to a new examiner. The current examiner is Mr. Ricci, and in the several telephone conversations I've had with him and his recent office communication, demonstrates to me that he is incompetent.

- 1.) After my file was transferred to Mr. Ricci from Ms. Urszula M. Cegielnik I asked that a claim number six be added. He kept referring to the earliest claims that were first submitted saying that these claims were in the wrong format. I had to explain to him, that these claims were corrected and in the proper format and the application was published 05-26-2005 . After several letters (attached) he finally agreed through an office communication record of telephone interview agreeing that the claim number six and previous claims were in the correct format.
- 2.) He has cut and paste comments from the previous examiner word for word and these concerns from 3 years ago were addressed in subsequent revisions.
- 3.) In his cut and paste he has failed to realize that the patent he references by Fleischmann 4,919,637 expired for lack of payment of maintenance fees. He even contradicts his own record of telephone interview.
- 4.) The entire point of his last communication shows that he does not realize that the application was published.
- 5.) In view of these glaring inconsistencies I can only request that my application be transferred to a new examiner. I have spent too much time money and effort to have this application reviewed in such an incompetent and cursory manner.

Thank you

Sincerely



Tom Yourk